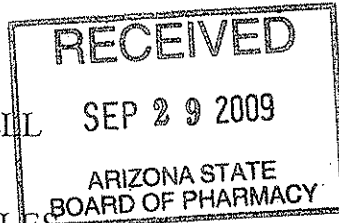


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7 Attorneys for the Arizona State Board of Pharmacy

8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **ROBERT WILCOX,**

12 Holder of License No. S012472
For the Practice of Pharmacy
13 In the State of Arizona

Board Case No. 10-0025-PHR

**CONSENT AGREEMENT
AND ORDER OF PROBATION**

14
15 In the interest of a prompt and judicious settlement of this case, consistent with the
16 public interest, statutory requirements and the responsibilities of the Arizona State Board
17 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Robert Wilcox ("Respondent"),
18 holder of Pharmacist License Number S012472 in the State of Arizona, and the Board
19 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
20 ("Consent Agreement") as a final disposition of this matter.

21 **RECITALS**

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3709 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
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1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. Respondent understands that the Consent Agreement shall not become
5 effective unless and until adopted by the Board and signed by its Executive Director.

6 10. If a court of competent jurisdiction rules that any part of this Consent
7 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
8 shall remain in full force and effect.

9 11. Respondent understands and agrees that if the Board does not adopt this
10 Consent Agreement, he will not assert as a defense that the Board's consideration of this
11 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12 12. Respondent understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

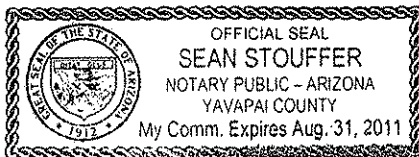
16 13. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

19 ACCEPTED AND AGREED BY RESPONDENT

20 Robert Wilcox
21 Robert Wilcox

Dated: 9-25-09

22 Subscribed and sworn to before me in the County of YAVAPAI, State of ARIZONA,
23 this 25th day of SEPTEMBER, 2009, by Robert Wilcox.



Sean Stouffer
NOTARY PUBLIC

My Commission expires: AUG 31, 2011

1 FINDINGS OF FACT

2 1. The Board is the duly constituted authority for licensing and regulating the
3 practice of pharmacy in the State of Arizona.

4 2. Respondent is the holder of license number S012472 to practice as a
5 pharmacist in the State of Arizona.

6 3. On December 21, 2007, Respondent signed a Consent Agreement and
7 Order for Suspension and Probation in Board Case No. 08-0016-PHR (the "2008 Consent
8 Agreement"). The 2008 Consent Agreement became effective on January 28, 2008.

9 4. The 2008 Consent Agreement required, among other things, that
10 Respondent comply with the five-year contract with Pharmacists Assisting Pharmacists
11 of Arizona ("PAPA") which Respondent had signed on November 15, 2007 (the "PAPA
12 Contract"). 2008 Consent Agreement at 8, ¶2.

13 5. The PAPA Contract required, among other things that Respondent
14 completely abstain from mood-altering drugs except on prescription from his family
15 physician after consultation with PAPA. PAPA Contract at 2, ¶4.

16 6. On May 4, 2009, Respondent tested positive for hydrocodone and
17 hydromorphone in violation of the PAPA Contract.

18 CONCLUSIONS OF LAW

19 1. The Board possesses jurisdiction over the subject matter and over
20 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

21 2. Pursuant to A.R.S. § 32-1927(A)(1), the Board may discipline a pharmacist
22 who has engaged in unprofessional conduct.

23 3. Respondent's practice and conduct, as described in the Findings of Fact,
24 constitutes unprofessional conduct pursuant to A.R.S. § 32-1901.01(B)(20) (Violating a
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1 formal order, terms of probation, a consent agreement or a stipulation issued or entered
2 into by the Board or its executive director).

3 **ORDER**

4 Based upon the above Findings of Fact and Conclusions of Law,
5 IT IS HEREBY ORDERED THAT License No. S012472, which was issued to
6 Robert Wilcox to practice as a pharmacist in the State of Arizona, is hereby placed on
7 **PROBATION** for at least five (5) years. Respondent's probation is subject to the
8 following conditions:

9 A. Within 10 days of the effective date of this Consent Agreement,
10 Respondent shall sign a new five (5) year contract with Pharmacists Assisting
11 Pharmacists of Arizona ("PAPA"). Respondent shall successfully complete the
12 five-year program and abide by each and every requirement of the PAPA contract.
13 Failure to complete the five-year PAPA program or abide by the PAPA contract's
14 terms is a violation of this Order.

15 B. Respondent shall pay all necessary fees and complete all continuing
16 education requirements throughout the term of his probation to maintain
17 Pharmacist License No. S012472.

18 C. Respondent shall furnish all pharmacy employers with a copy of this
19 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
20 to the Board a written acknowledgement that they have received a copy of this
21 Consent Agreement within ten (10) days of entering into an employment
22 relationship with Respondent.

23 D. Respondent shall not serve as a preceptor pharmacist or pharmacist
24 in charge.
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1 E. Respondent shall advise the Board within ten (10) days of any
2 change in pharmacy employment status.

3 F. Within five (5) years from the beginning of Respondent's
4 probationary period, Respondent shall complete 400 hours of community service
5 approved by Board staff. Respondent shall ensure that all entities to which he
6 provides community service verify in writing to the Board the number of hours
7 completed within 30 days of completing the community service.

8 G. Throughout the term of Respondent's probation, Respondent shall
9 personally appear before the Board when requested to do so by the Board or Board
10 staff.

11 H. No sooner than five (5) years from the beginning of Respondent's
12 probationary period, Respondent shall request in writing that the Board terminate
13 his probation. Respondent's request for termination will be considered at the
14 Board's next regularly scheduled Board meeting. Respondent is required to
15 personally appear at that Board meeting. Respondent's probationary period will
16 continue until Respondent's request for termination is received and the Board
17 terminates the probation.

18 5. Respondent shall furnish the Board with a list of all jurisdictions in which
19 he maintains or has maintained licensure in the profession of pharmacy along with the
20 registration numbers of said licenses.

21 6. Respondent shall obey all federal and state laws and rules governing the
22 practice of pharmacy.

23 7. If Respondent violates this Order in any way or fails to fulfill the
24 requirements of this Order, the Board, after giving the Respondent notice and the
25 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
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Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

DATED this 19th day of November, 2009.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:



HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 20 day of November, 2009, with:

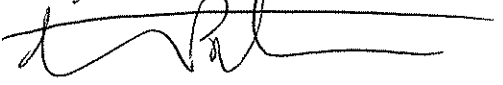
Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY FIRST-CLASS and CERTIFIED MAIL
this 20 day of November, 2009, to:

Robert Wilcox
2262 Sequoia Drive
Prescott, Arizona 86301
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 20 day of November, 2009, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorney for the Board



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